

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**KILBRIDE INVESTMENTS LIMITED,
BUSYSTORE LIMITED IN
LIQUIDATION, and
BERGFELD CO. LIMITED,
Plaintiffs,**

v.

**CUSHMAN & WAKEFIELD OF
PENNSYLVANIA, INC., and
COZEN O'CONNOR, P.C.,
Defendants,**

and

**CUSHMAN & WAKEFIELD OF
PENNSYLVANIA, INC.,
Third Party Plaintiff,**

v.

**CHAIM ZEV LEIFER,
HASKEL KISH and
JFK BLVD. ACQUISITION G.P., LLC,
Third Party Defendants.**

CIVIL ACTION

NO. 13-5195

ORDER

AND NOW, this 5th day of August, 2019, upon consideration of Plaintiffs' Motion to Voluntarily Dismiss Defendant Cozen O'Connor, P.C. Pursuant to Rule 41(a)(2) and for Entry of Final Judgment Pursuant to Rule 54(b) (Document No. 241, filed May 17, 2019), Defendant Cozen O'Connor, P.C.'s Joinder to Plaintiffs' Motion to Voluntarily Dismiss Defendant Cozen O'Connor, P.C. Pursuant to Rule 41(a)(2) and for Entry of Final Judgment Pursuant to Rule 54(b) (Document No. 243, Filed May 24, 2019), Memorandum of Law in Partial Opposition to Plaintiffs' Motion to Voluntarily Dismiss Defendant Cozen O'Connor, P.C. Pursuant to Rule 41(a)(2) and for Entry of Final Judgment Pursuant to Rule 54(b) (Document No. 244, filed June

7, 2019), Response of Blank Rome LLP to Plaintiffs' Motion to Dismiss Cozen O'Connor, P.C., and the Replies of Cozen and Cushman & Wakefield to that Motion (Document No. 245, filed June 14, 2019), Defendant Cozen O'Connor, P.C.'s Reply Memorandum of Law in Further Support of its Joinder to Plaintiffs' Motion to Voluntarily Dismiss Defendant Cozen O'Connor, P.C. Pursuant to Rule 41(a)(2) and for Entry of Final Judgment Pursuant to Rule 54(b) (Document No. 249, filed June 17, 2019), Plaintiffs' Reply Memorandum of Law in Further Support of Their Motion to Voluntarily Dismiss Defendant Cozen O'Connor, P.C. (Document No. 251, filed June 19, 2019), Surreply Brief of Cushman & Wakefield of Pennsylvania, Inc. In Further Partial Opposition to Plaintiffs' Motion to Dismiss Defendant Cozen O'Connor, P.C. (Document No. 254, filed June 27, 2019), for the reasons set forth in the accompanying Memorandum dated August 5, 2019, **IT IS ORDERED** that Plaintiffs' Motion to Voluntarily Dismiss Defendant Cozen O'Connor, P.C. Pursuant to Rule 41(a)(2) and for Entry of Final Judgment Pursuant to Rule 54(b) is **DENIED**, as follows:

1. Those parts of plaintiffs' Motion seeking voluntary dismissal of Cozen O'Connor pursuant to Federal Rule of Civil Procedure 41(a)(2) and entry of that dismissal as a final judgment pursuant to Federal Rule of Civil Procedure 54(b) are **DENIED**.
2. That part of plaintiffs' Motion seeking a ruling that Cozen O'Connor and Cushman & Wakefield are not joint tortfeasors under the Pennsylvania Uniform Contribution Among Joint Tortfeasors Act ("UCATA"), 42 Pa. Cons. Stat. §§ 8321–27, is **DENIED**. Cozen O'Connor shall be included on the verdict sheet for the purpose of determining liability and the amount of any pro rata reduction in any verdict for plaintiffs.

IT IS FURTHER ORDERED that plaintiffs and Cozen O'Connor shall provide Cushman & Wakefield with a copy of their settlement agreement.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.